IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.8526 of 2008
SURAJ SINGH
Versus
STATE OF BIHAR
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2 15.5.2008 Heard Mr. Sanjeet Kumar, learned Counsel for the petitioner and the A.P.P. representing State.

The petitioner who is husband is facing prosecution for offence under Section 498A, 323/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

Counsel for the petitioner submits that the allegation of torture or negligence or assault or demand of dowry against the petitioner by the informant is not only a concocted version but also meaningless inasmuch as the petitioner is not the husband of the victim lady, the informant. In nutshell, the counsel for the petitioner has questioned the very factum of the marriage which is said to have been solemnized on 27.6.2007 in Vaishnav Mandir at Ramgarh.

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Counsel for the State however has pointed out that there is no such clear assertion in the bail application that the petitioner was never married to the Informant rather the statements are contrary wherein only the manner of marriage has been questioned. The factum of marriage in fact has been supported by other witnesses in the case diary which has been recorded by the Court below while

rejecting the bail of the petitioner and in fact from the perusal of the same, it also inspires that the allegation made by the informant have been corroborated by those witnesses.

The petitioner is the husband and is in custody since 15.12.2007 and other accused persons have already been granted bail.

There being direct allegation against the petitioner and the petitioner has no intention to compromise the issue as he claims that no marriage took place, this Court is not inclined to grant bail to the petitioner at present but keeping in view that the petitioner has denied the marriage itself, it would be in the interest of justice that the trial of this case is taken out of turn and is concluded within a period of one year from today.

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In the event the trial is not concluded within the aforementioned period, the petitioner will have the liberty to move initially Trial Court which will be obliged to spell out the reasons for not concluding the trial within the aforementioned period and only thereafter, the petitioner may move this Court for bail.

With the aforesaid observations and directions, this application for bail is disposed of.

Rsh (Mihir Kumar Jha, J.)